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**Hearing Date: August 3, 2023  
Hearing Time: 10:00 a.m. (EST)  
Objection Deadline: July 27, 2023**

*Special Litigation Counsel to Yann Geron,  
Chapter 7 Trustee of the Estate of Nanobeak  
Biotech Inc.*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re :  
 : Chapter 7  
NANOBEAK BIOTECH INC., :  
 : Case No. 21-11600 (MG)  
 :  
Debtor. :  
-----X

**NOTICE OF HEARING ON TRUSTEE’S MOTION FOR ENTRY OF AN ORDER,  
PURSUANT TO FED. R. BANKR. P. 9019, APPROVING THE STIPULATION  
SETTLING AND RESOLVING CLAIMS AGAINST TREVOR DAY SCHOOL**

**TO THE DEBTOR, CREDITORS AND PARTIES IN INTEREST IN THIS CASE  
ENTITLED TO NOTICE PURSUANT TO FED. R. BANKR. P. 2002:**

**PLEASE TAKE NOTICE** that a hearing will be held on **August 3, 2023 at 10:00 a.m. (prevailing Eastern Time)** (the “Hearing”) before the Honorable Martin Glenn, Chief United States Bankruptcy Judge for the Southern District of New York, at the United States Bankruptcy Court, Southern District of New York (the “Bankruptcy Court”), One Bowling Green, New York, New York 10004, to consider the motion (the “Motion”) <sup>1</sup> of Yann Geron (the “Trustee”), the Chapter 7 Trustee (the “Trustee”) for the estate of Nanobeak Biotech Inc. (the “Debtor”), for an order, pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), approving that certain settlement agreement (the “Stipulation”), a copy of which is annexed to the Motion as Exhibit B, by and between the Trustee and Trevor Day School (“Trevor” and together with the Trustee, the “Parties” or each a “Party”).

**PLEASE TAKE FURTHER NOTICE** that the Hearing will be conducted using Zoom<sup>®</sup> for Government. Parties should not appear in person and those wishing to appear or participate at the Hearing (whether “live” or “listen only”) must make an electronic appearance through the

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

Court's website at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl> prior to 4:00 p.m. (Eastern Time) one business day before the Hearing. Instructions for making an eCourtAppearance and additional information on the Court's Zoom® procedures can be found at <http://www.nysb.uscourts.gov/ecourt-appearances>.

**PLEASE TAKE FURTHER NOTICE** that the Stipulation contains the following salient provisions:<sup>2</sup>

- **Settlement Payments and Delivery:** Within five (5) business days of the Approval Order becoming a Final Order (as such terms are defined below), Trevor shall pay the sum of \$20,579.99 (the "Settlement Payment") to the Trustee. The Settlement Payment shall be made payable to "Yann Geron, as Chapter 7 Trustee" and delivered to the undersigned counsel to the Trustee.
- **Bankruptcy Court Approval Required.** The Stipulation is subject in all respects to the approval of the Bankruptcy Court evidenced by the entry of a written order (an "Approval Order"), and such Approval Order becoming a final and non-appealable order (a "Final Order"). The Trustee shall file a motion seeking an Approval Order by no later than four (4) weeks following the signing of the Stipulation by all parties.
- **Conditions Precedent.** The terms of the Stipulation shall become effective upon the Approval Order by the Bankruptcy Court becoming a Final Order and upon payment of the Settlement Payment by Trevor to the Trustee as set forth in paragraph 2 of the Stipulation (the "Effective Date"). Notwithstanding the foregoing, the terms of Paragraph 8 of the Stipulation shall be deemed binding and enforceable upon each Party's execution of this Stipulation.
- **502(h) Claim:** Upon the Effective Date, Trevor shall have an allowed general unsecured claim in the amount of \$20,579.99 (the "Section 502(h) Claim") pursuant to pursuant to section 502(h) of the Bankruptcy Code.
- **Mutual Releases:** Upon the Effective Date, the Trustee on the one hand, and the Trevor on the other hand, will provide each other with mutual releases.

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the relief sought in the Motion must be (a) in writing, (b) conform to the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York, (c) filed with the Bankruptcy Court, registered users of the Bankruptcy Court's case filing system must file electronically and all other parties in interest must file on a 3.5 inch disk (preferably in Portable Document Format (PDF), WordPerfect, or any other Windows' based word-processing format) (with two (2) hard copies delivered directly to Chambers), and (d) served upon (i) Klestadt Winters Jureller Southard

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<sup>2</sup> For ease of reference, the Trustee has included a summary of the terms of the Stipulation here. Parties are encouraged to review the entire Stipulation in its entirety and not rely on the summary set forth herein. To the extent there is any express or implied conflict between the terms of the Stipulation and the description contained herein, the terms of the Stipulation shall control.

& Stevens, LLP, 200 West 41<sup>st</sup> Street, 17<sup>th</sup> Floor, New York, New York 10036, Attn: Fred Stevens and Lauren C. Kiss and (ii) Schulte Roth & Zabel, 919 Third Avenue, New York, New York 10022, Attn: Abbey Walsh, **so as to be actually received on or before 5:00 p.m. (prevailing Eastern Time) on July 27, 2023.**

**PLEASE TAKE FURTHER NOTICE** that the Hearing may be adjourned from time to time without notice to any creditor or other party in interest other than by announcement of the adjourned date in open court on the Hearing.

**PLEASE TAKE FURTHER NOTICE** that if no objections are timely filed and served, the Bankruptcy Court may enter the proposed order for the relief requested in the Motion without further notice or hearing.

Dated: New York, New York  
June 30, 2023

**KLESTADT WINTERS JURELLER  
SOUTHARD & STEVENS, LLP**

By: /s/ Lauren C. Kiss

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